

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

---

Armando Ybarra,	:	
	:	
Plaintiff,	:	Civil Action No.: 4:13-cv-00963-O
v.	:	
DISH Network, LLC,	:	
	:	
Defendant.	:	
	:	
	:	

---

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56, Plaintiff Armando Ybarra, through undersigned counsel, hereby moves for summary judgment against Defendant DISH Network, LLC for violation of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. §§ 227, *et seq.*

In support of this Motion, Plaintiff submits the accompanying Brief satisfying the requirements of Local Rule 56.3(b), Declaration of Jenny DeFrancisco, Esq., and Appendix.

Pursuant to the TCPA, Plaintiff respectfully requests that the Court enter judgment in his favor for \$7,500.00.

Dated: August 25, 2014

Respectfully submitted,

By /s/ Jenny DeFrancisco  
Jenny DeFrancisco, Esq.  
LEMBERG LAW, LLC  
1100 Summer Street, 3<sup>rd</sup> Floor  
Stamford, CT 06905  
Telephone: (203) 653-2250  
Facsimile: (203) 653-3424  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on August 25, 2014, the foregoing was electronically filed through the CM/ECF system which sent notice of such filing to the following:

Benamen E. Kern, Esq.  
Benesch, Friedlander, Coplan & Aronoff, LLP  
41 South High Street, Suite 2600  
Columbus, OH 43215

Eric Larson Zalud, Esq.  
Benesch, Friedlander, Coplan & Aronoff, LLP  
200 Public Square, Suite 2300  
Cleveland, OH 44114

Lane Fletcher, Esq.  
Vic H. Henry, Esq.  
Henry, Oddo, Austin & Fletcher, P.C.  
1700 Pacific Avenue, Suite 2700  
Dallas, TX 75201

/s/ *Jenny DeFrancisco*  
Jenny DeFrancisco, Esq.